IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE Ms. JUSTICE G.ROHINI

TAKEN UP WRIT PETITION NO : 14870 of 1999

Between:
An Article Under the Caption "Threat to the" Fragile Qurub Shahi Tombs" Published in the "Hindu" English Daily News Paper; dt.12-7-1999

.....
PETITIONER

AND

1 The Chairman Quli Qutub Shah Urban Development Authority Hyderabad.
2 The Vice-Chairman H.U.D.A
Rasoolpura, opp: Police Lines
Secunderabad
3 The Commissioner, Archaeology Dept, Hyderabad.
4 The Superintendent Archaeologist, Archaeological Survey of India
Hyderabad Circle, Kendriya Sadan, Sultan Bazar, Hyderabad
5 The Director, Tourism Department, Hyderabad
6 The Secretary to Govt., Archaeology Department
Secretariat, Hyderabad.
7 The Secretary to Govt., Tourism Department, Hyderabad.
8 The Secretary, Ministry of Human Resources, Govt, of India,
New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or a Writ, more particularly one in the nature of Writ of Mandamus, calling for remarks of the Respondents herein in and connected with regard to the proposal of 5 crore project on 17 Acres site near the open area of

Golconda Fort by the Quli Qutub Shah Urban Development Authority which would destroy the fragile cluster of monuments and peace which includes Ornate Tombs of fairly uniform and symmetrical stood out as the finest examples of mixed architectural styles and motifs - Persian, Turkish and Hindu reflecting the Qutub Shahi's secular character which were to be conserved as a World Heritage site as illegal and violation of laws relating to protection of archaeological monuments and to pass orders directing the Respondents for taking necessary action to protect the Qutub Shahi Tombs from ruining and destroying

For the Petitioner: PETITION

For the Respondent No.1: Mr.T.Anantha Babu, Advocate.

For the respondent No.2: Mr.T.N.Reddy, Advocate.

For the respondent Nos.2 to 8: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

A newspaper report published in the Hindu under the caption "Threat to fragile Qutub Shahi Tombs" on 12th July, 1999 led to registration of this case as public interest litigation, in which notices were issued to the various respondents. The Vice Chairman and Managing Director of Quli Qutub Shah Urban Development Authority, Hyderabad was directed to remain present in the court along with the record and pursuant to the direction, the Vice Chairman and Managing Director of the Authority appeared in court on 28-11-2002. The Court directed the said authority to file a comprehensive affidavit giving complete details as to what transpired eversince the date of registration of the writ petition. He was also directed to place on record the details of encroachments, if any.

Sri J.R.Anand, I.A.S., working as Administrator, Quli Qutub Shah Urban Development Authority, Hyderabad on 8th December, 2002 filed an affidavit denying as absolutely incorrect, the allegations

made in the newspaper article. The affidavit further states that the article published in the newspaper was written at a time when no work at all had been undertaken in regard to the activity visualized and was postulated on baseless exaggerations and totally unwarranted alleged reaction of persons described as environmentalists. It is stated that the authority is a registered society, the Chairman of which is the Chief Minister of Andhra Pradesh and Vice Chairman is the Minister for Municipal Administration. It has a managing committee headed by the Minister for Municipal Administration as the Chairman. The Quli Qutub Shahi tombs are situated in an area of about Ac.90.00 surrounded on all sides by a compound wall. The affidavit further states that the area in which the impugned operations are being carried on is outside the compound wall, which marks the boundary of Ac.90.00 of land relating to the tombs. It is also stated that an area of Ac.90.00 has been placed under the control of the Archaeological Department and before the handing over to the Archaeological Department, the authority was entrusted with the task of preparation of master plan for renovation of the Shahi tombs. With the aid of Government grant, the authority spent about Rs.2 crores for development of the surroundings of the tombs. Activity which is going on outside the limits of the said Ac.90.00 of land is not at the behest of the authority and the authority is not concerned with the said area. We need not go into the other details mentioned in the affidavit and the authority reiterates that there is no encroachment of any kind and the entire property in question is a Government land and the authority is also an instrumentality of the State and there is no question of the authority encroaching another part of Government land.

In view of the affidavit in reply, we see no reason to continue this petition since the newspaper report is not substantiated by any material justifying any action to be taken against the respondent-

authority.

The writ petition is dismissed.

_____

DEVINDER GUPTA,

CJ
7-7-2004

_____
G.ROHINI, J

tvr

To

1 The Chairman, Quli Qutub Shah Urban Development Authority Hyderabad.
2 The Vice-Chairman, H.U.D.A, Rasoolpura, opp: Police Lines Secunderabad
3 The Commissioner, Archaeology Dept, Hyderabad.
4 The Superintendent Archaeologist, Archaeological Survey of India
Hyderabad Circle, Kendriya Sadan, Sultan Bazar, Hyderabad
5 The Director, Tourism Department, Hyderabad
6 The Secretary to Govt., Archaeology Department Secretariat, Hyderabad.
7 The Secretary to Govt., Tourism Department, Hyderabad.
8 The Secretary, Ministry of Human Resources, Govt, of India, New Delhi.
9. 2 CD copies.